

## REMARKS

### **§102 Rejection of claims 8-14 over Britton or Baugh**

It is respectfully submitted that no combination of the cited references disclose all of the elements of the independent claim 8 or any of the claims that are dependent, either directly or indirectly, thereon. In addition, it is further asserted that there is nothing in the teachings of the references that would motivate one skilled in the art to combine them in the manner as suggested by the Examiner.

Baugh (U.S. Patent No. 5,074,712) teaches a clamp assembly 20 which can be attached to a pipeline 10 with the use of an ROV (not illustrated by Baugh). In order to connect the clamp assembly 20, the ROV can be used to turn square stem 40, which rotates threaded stem 43, to rotate lower clamp half 21 towards upper clamp half 22:

"Square stem 40 is mounted in block 41 and can be rotated by means to be discussed later. As square stem 40 rotates, it rotates U-joint 42 and threaded stem 43. Rotation of threaded stem 43 causes collar 44 to move axially along the threaded stem 43. Collar 44 is attached to lower clamp half 21, and is therefore connected to upper clamp half 21 thru guide pin 23. As square stem 40 is moved in a clockwise direction, collar 44 moves downwardly along threaded stem 43 and pushes lower clamp 21 and upper clamp 22 from the position as shown on FIG. 2 to the position as shown on FIG. 1. The rotation of the single square shaft 40 causes the upper and lower clamp halves to move from the opened to the closed positions." (Baugh, Col. 3, lines 7-21).

Baugh does not teach or suggest the desirability of a clamshell tool, or any of the "positioning," "moving," or "closing" steps recited in Claim 8. In contrast, Baugh teaches a clamshell device (clamp assembly 20), which is closed around a pipeline with the use of an ROV, which rotates a bolt on the clamp assembly 20, which closes the clamp assembly 20. The ROV is not a clamshell tool, and does not perform any of the "positioning," "moving," or "closing" steps recited in Claim 8.

In the Office Action, the Examiner stated that Baugh teaches a clamshell device 30 and a clamshell tool (21, 22). Applicant's respectfully submit that Baugh's element 30 is "end plate 30," which could not be construed to be a clamshell device.

Britton also does not teach or suggest the desirability of a clamshell tool, or any of the "positioning," "moving," or "closing" steps recited in Claim 8.

Britton teaches a clamp assembly 34 which can be attached to tubular 58 with the use of an ROV 42. In order to connect the clamp assembly 34 to tubular 58, clamp assembly 34 is

lowered next to tubular 58 until actuating means 35 is triggered, which releases leaf springs 70, and closes jaws 38a and 38b around tubular 58:

"Actuating means 35 (see FIGS. 3, 4 and 7) comprises a trigger means that includes an elongated latch member 84 that has an aperture 85 in one end adapted for pivotal engagement with the end of the projecting stop pin 82. The other end of the latch member 84 has disposed therein a downwardly opening vertical slot 87 for engaging the projecting end of the other stop pin 80 when the jaw members 38a and 38b are in a desired "open" position. A trigger member 86 is pivotally attached to the latch member 84 by means of a pin 89 adjacent the latch member end carrying the slot 87 and is adapted for projecting downwardly below the housing 36. As the clamp 34 is lowered onto the tubular member 58, the projecting end of the trigger member 86 physically engages the outer surface of pipe 58, thus rotating the trigger member 86 upwardly. As the trigger member 86 is rotated upwardly, the other end of the trigger member engages the projecting stop pin 80 and levers the attached latch member 84 upwardly until the end carrying the slot 87 is disengaged from the stop pin 80. When the latch 84 disengages from stop pin 80, the compression force exerted by springs 70 force the jaw members 38a and 38b from an "open" position to a "closed" position in mating engagement with pipe 58." (Britton, Col. 8, lines 24-39).

Britton does not teach or suggest the desirability of a clamshell tool, or any of the "positioning," "moving," or "closing" steps recited in Claim 8. In contrast, Britton teaches a clamshell device (clamp 34), which is closed around a pipeline with the use of an ROV, which ROV positions the clamp 34 adjacent the pipe 58 until the spring 70 is released which closes the clamp 34. The ROV is not a clamshell tool, and does not perform any of the "positioning," "moving," or "closing" steps recited in Claim 8.

In the Office Action, the Examiner stated that Britton teaches a clamshell device (38a & 38b) and a clamshell tool 36. Applicant's respectfully submit that Britton's element 36 is "housing 36," which could not be construed to be a clamshell tool.

Applicants respectfully submit that Claims 9-14 are allowable for at least the same reasons as allowable Claim 8, discussed above.

### Conclusion

The Applicant respectfully requests the Examiner to reconsider and withdraw the rejections in view of the above remarks. Allowance of claims 8-15 is hereby respectfully requested.

Respectfully submitted,

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